



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2208965
Applicant Name: Julie Ledoux
Address of Proposal: 1229 6th Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) lots (unit subdivision). Proposed lot sizes are: A) 1,646.8 square feet and B) 1,953.1 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. A related project, "Establish use as single family residence and construct 2nd single family residence with an accessory dwelling unit (ADU), per plan", was issued on July 11, 2003 (Project #2208958/Permit #736443).

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two lots as a unit subdivision. (Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

This 3,600 square foot rectangular shaped property is located on the west side of 6th Avenue North in the; lower Queen Anne area of Seattle in a Multifamily Residential Lowrise 3 (L-3) zone.

Access to the site is via 6th Avenue North which is paved and improved with concrete curbs, gutters, planter strips and sidewalks on both sides of the street. Vehicle access is from an existing 16' wide paved alley that abuts the west property line. The parcel is not located in any identified or designated Environmentally Critical Area.

The subject property and surrounding lots are zoned Multifamily Residential L-3. Development in the area consists of one and two-story single-family dwellings and small multi-family structures, consistent with the zoning.

Proposal Description

The proposal is to subdivide one (1) parcel into two (2) unit subdivision lots with vehicle access provided via an existing 16' paved alley. This alley will provide vehicular access to three surface parking spaces on unit lot B. Proposed lot sizes are as indicated in the summary above. Parking for the existing single family residence on unit lot A is proposed as a parking easement on unit lot B. Unit lot A has direct pedestrian access to 6th Avenue North. The pedestrian access to unit lot B will be via a 3' wide pedestrian access easement across the north portion of unit lot A. Open space would be provided adjacent to each unit.

Note that the construction of the proposed single-family home with an accessory dwelling unit has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate construction permit number 736443. The subject of this analysis and decision is only the proposed division of land.

Public Comments

The comment period for this proposal ended on July 2, 2003. During the public comment period, DCLU received no written comments related to this project.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned L-3 which allows for multi-family residential use. The allowable density of the subject property is one (1) unit per 800 square feet of lot area. Given an approximate lot area of 3,600 square feet, four (4) units are allowed and two (2) are proposed. Maximum lot coverage is 45%. Front setbacks are an average of the neighboring adjacent lots, the maximum setback is fifteen (15) feet and the minimum is five (5) feet. In this case, the front setback was already established by the existing house, which was built in 1908, prior to the current setback standards of the Land Use Code. The required side setback is based on the height of the structure(s) adjacent to the side property line. Rear setback is twenty-five (25) feet or fifteen (15) percent of the lot depth, in no case less than fifteen (15) feet. The configuration of the parent lot provides adequate buildable areas to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. The unit lots proposed by this subdivision conform to the standards for unit lot subdivision (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. New development must conform to code requirements at the time of application.
2. Vehicular access to three (3) surface parking spaces on unit lot B is from the alley. A separate 3 foot wide (on average) pedestrian easement is provided across unit lot B for unit lot A to access parking. The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

The Seattle City Light has reviewed this short subdivision application and has indicated that an easement is required for electrical service to the proposed lots. The easement as described in the Seattle City Light memorandum dated July 17, 2003 and in “Exhibit A to City of Seattle Short Subdivision No. 2208965” will be included on the face of the plat.

As conditioned, adequate access to the lots for off-street parking, vehicles, utilities, and fire protection will be provided.

3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on June 27, 2003 (WAC ID No. 2003-0678). All conditions on the certificate must be met prior to receiving water service. DCLU’s drainage reviewer reported that there is a public combined sewer (PS) located in 6th Avenue North that is available for sanitary and stormwater discharge from either of the proposed unit lots. DCLU records indicate that the existing sidesewer from the house addressed 1301 6th Avenue North runs beneath the property line between 1229 and 1301 6th Avenue North. An appropriate easement must be provided for this situation.

Stormwater runoff from new construction will discharge to the PS by way of detention with controlled release. A standard drainage control plan was required at the time of building permit application.

4. The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. An area for address signage shall be provided such that the address for Unit Lot B is visible from 6th Avenue North and an easement or a covenant shall be recorded with the final plat to ensure that the address signage is maintained. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. The site will be fully developed pursuant to issued building permits and no additional development is proposed.
7. The applicant proposes the construction of a single family residence with an accessory dwelling unit on the subject site, with the existing single family structure to remain. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future

owners have constructive notice that additional development may be limited due to non-conformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under Master Use Permit Number 736443. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A and B are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the L-3 zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards of the set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents show three (3') foot pedestrian easement for unit lot B along the north boundary of unit lot A, and specify in the legal description where these easements are located.
2. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
3. Submit the final recording forms for approval and any necessary fees.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
6. Provide easement as required by City Light for electrical service to the proposed lots per Seattle City Light memorandum P.M. #250430-2-026. Show this easement on the face of the plat.
7. Provide an area to allow for the posting of address signage for unit lot B at a location visible from 6th Avenue North and provide a covenant and/or an easement to ensure that address signage can be maintained.
8. Include an easement to provide for water service. Have final recording documents show a water service easement beneficial to unit lot B from 6th Avenue North as required by Seattle Public Utilities for the Water Availability Certificate dated June 27th, 2003.
9. The legal description and plat should include the sidesewer easement for the existing sidesewer from 1301 6th Avenue North. If there is no known recorded easement, please provide an easement of 3' in width along the northerly property line for the benefit of the owner of 1301 6th Avenue North.

10. Include an easement to provide parking on unit lot B that is beneficial to unit lot A and specify in the legal description where this easement is located.

Signature: _____ (signature on file) Date: August 14, 2003
Tamara Garrett, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

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